

1 BILL NO. G-76-12-15

2 GENERAL ORDINANCE NO. G *Withdrawn*

3 AN ORDINANCE PROHIBITING, LIMIT-  
4 ING, LICENSING AND CONTROLLING  
5 CERTAIN DANGEROUS ANIMALS WITHIN  
6 THE CIVIL BOUNDARIES OF FORT WAYNE,  
7 INDIANA.

8 WHEREAS, to protect the public health and safety there has  
9 been demonstrated the need to limit and control the location of  
10 certain dangerous and undomesticated animals within the civil  
11 boundaries of the City of Fort Wayne, Indiana; and

12 WHEREAS, it is necessary to exclude certain other dang-  
13 erous and undomesticated animals from being kept, housed,  
14 harbored or maintained within the civil boundaries of Fort  
15 Wayne, Indiana.

16 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
17 CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. DEFINITIONS. For the purposes of this Section  
19 the following words and phrases shall have the meaning respect-  
20 fully ascribed to them:

21 1.1 "Animal" shall mean any living vertebrate or invert-  
22 ebrate animal, domestic or otherwise, not including man.

23 1.2 "Domesticated Animal" shall mean an animal that has  
24 been bred under captive conditions for generations through  
25 selective breeding causing it to not be capable of survival in  
26 the wild.

27 1.3 "Dangerous Animal" shall mean any vertebrate or  
28 invertebrate animal not of a domesticated nature capable of  
29 inflicting harm or injury to human beings, property or other  
30 animals.

31 1.4 "Double Caged" shall mean a locked cage sufficient  
32 to prevent the escape of the animal contained therein all of  
33 which is placed in a secured escape proof room which is locked  
34 at all times.

35 1.5 "Animal Wholesaler or Retailer" a person, partnership,  
firm or corporation who purchases and resells animals in  
quantities to other wholesalers, retailers, zoos or laboratories

APPROVED AS TO FORM  
AND LEGALITY.

1 over the counter and or by mail order.

2 SECTION 2. LICENSE.

3 2.1 No person, firm, partnership or corporation shall keep,  
4 maintain, house or harbor a dangerous animal in the City of  
5 Fort Wayne, without first obtaining a license from the City  
6 Controller as provided in this ordinance.

7 2.2 Each person or corporation who operates a business  
8 enterprise dealing in the wholesale or retail sale of animals  
9 other than domesticated animals shall first obtain an operator's  
10 license therefor.

11 SECTION 3. OPERATING REGULATIONS.

12 3.1 It shall be unlawful for any person, partnership,  
13 firm, or corporation to keep, maintain, house or harbor as a pet  
14 or for sale all species of lions, tigers, leopards, ocelots,  
15 mountain lions, cougars, bobcats, apes and bears within the  
16 civil boundaries of Fort Wayne, Indiana.

17 3.2 It shall be unlawful for any person, firm, partnership  
18 or corporation to keep, maintain, house or harbor all other  
19 dangerous animals not already specifically excluded from the  
20 city limits by this ordinance, as a pet or for sale within  
21 the civil boundaries of Fort Wayne, Indiana, except as follows:

22 A. All such animals shall be permitted only in zoning  
23 districts B-3B, B-4, M-1, M-2, and M-3 of Chapter  
24 33 of the Municipal code of Fort Wayne.

25 B. All animals must be double caged within a structure  
26 that has proper drainage and sewage facilities which  
27 is enclosed so as to prevent the escape of noxious  
28 odors offensive to the senses, all of which must be  
29 to the satisfaction of the Board of Health. The  
30 structure housing the business enterprise must meet  
31 all reasonable safety requirements imposed by the Fire  
32 Marshal.

33 3.3 All licenses under this ordinance shall be subject to  
34 all provisions of this ordinance and any other city ordinances,  
35 county ordinances and state statutes and to the regulation of

1 the various administrative bodies of the city, county and state,  
2 the violation of which regulations, ordinances or statutes shall  
3 be grounds for revocation of their licenses.

4 SECTION 4. INSPECTION

5 4.1 Every animal wholesaler or retailer, shall be open for  
6 inspection during normal business hours by officers of the  
7 Humane Shelter, Fire Marshal, duly authorized representative of  
8 the Board of Health.

9 4.2 In the event the premises to be inspected is not a  
10 business open to the public, said inspection shall be conducted  
11 at a time convenient to all parties.

12 SECTION 5. APPLICATION FOR LICENSE

13 5.1 Application for a license required by this ordinance  
14 shall be made to the City Controller on application forms pre-  
15 scribed by him. The application for a license shall contain  
16 the following information and shall be signed by the applicant:

- 17 A. Name of the applicant.  
18 B. Proposed business address.  
19 C. Zoning classification of district in which address  
20 is located.  
21 D. Approximate number of animals to be housed at business  
22 location.  
23 E. Description of anticipated business activity.

24 5.2 Upon receipt of an application for a license, the City  
25 Controller shall forward a copy to the Board of Health and Fire  
26 Marshal for their inspection and written approval.

27 SECTION 6. LICENSE FEES.

28 6.1 <sup>Each</sup> ~~Each~~ person, firm, partnership or corporation desiring  
29 a license shall pay an annual fee of One Hundred Dollars (\$100.00)

30 6.2 Licenses shall be granted for a period of one year  
31 ending December 31 unless sooner suspended or revoked. Each  
32 license granted must be renewed annually, and each renewal term  
33 shall be from January 1, to December 31.

34 6.3 A reinspection of the business premises must be  
35 conducted by the Board of Health and Fire Marshal with written

1 approval to the City Controller showing compliance with Section  
2 3-2-A and 3-2-B of this ordinance, prior to the issuance of the  
3 annual renewal license.

4 6.4 Application for and issuance of the annual renewal  
5 license must be made on or before the date of expiration of the  
6 current license.

7 SECTION 7. COMPLAINTS.

8 7.1 All complaints of alleged violations of the provi-  
9 sions of this ordinance shall be made in writing to the City  
10 Controller.

11 SECTION 8. GROUNDS FOR DENIAL, REVOCATION OR SUSPENSION  
12 OF LICENSE.

13 8.1 No license shall be issued if the City Controller shall  
14 find:

15 A. That the premises sought to be licensed failed to  
16 comply in any manner with the requirements of this  
17 ordinance and law applicable thereto;

18 B. That false representations have been made on license  
19 applications.

20 8.2 Upon receipt in writing from the Board of Health or  
21 Fire Marshal setting out violations of this ordinance or upon  
22 treatment of the animals located within the business premises,  
23 the City Controller shall fix a time and place for a hearing  
24 upon the violations giving at least five (5) days notice in  
25 writing to each party citing violations of this ordinance and to  
26 the animal wholesaler or retailer charged with said violations.

27 8.3 At the hearing the animal wholesaler or retailer shall  
28 have the right to have legal counsel present, to be presented  
29 with the violations charged by the party or parties citing said  
30 violations and to present any evidence to show cause why the  
31 license should not be revoked or suspended.

32 8.4 After the hearing has been concluded and the party  
33 charged with the violation has been given ample time to show  
34 cause why the license should not be suspended or revoked, the  
35 City Controller shall determine if one or more violations of this

1 ordinance have been committed. If the City Controller finds that  
2 violations of the ordinance exist then a determination by the  
3 City Controller must be made as to the seriousness of said  
4 violations. If the City Controller determines that said  
5 violations present a potential danger to the public health and  
6 safety, he shall suspend the license of the animal wholesaler  
7 or retailer and set a date by which said violations shall be  
8 corrected.

9 8.5 Any animal wholesaler or retailer not complying with  
10 the order by the City Controller to correct said violation on or  
11 before a specific date set by the City Controller shall have  
12 their license revoked unless the City Controller has granted  
13 additional time to correct said violations.

14 8.6 Additional time shall be granted by the City Controller  
15 upon his finding that extenuating circumstances exist beyond the  
16 control of the party in violation which prevent said party from  
17 complying with the City Controller's order.

18 8.7 Upon a request for additional time for compliance  
19 the Controller shall set a hearing date and follow the same  
20 procedure set out in 8.2 and 8.3 of this ordinance.

21 8.8 The City Controller shall reinstate said license upon  
22 receipt in writing by the Board of Health, Fire Marshal or  
23 Humane Shelter that all violations have been corrected.

24 8.9 If the City Controller revokes the license of any  
25 business establishment, notice shall be given to the Humane  
26 Shelter. Upon receipt of notice of revocation, the Humane  
27 Shelter shall assume jurisdiction of any animals located at the  
28 business address. The Humane Shelter may maintain the animals  
29 at the location or move the animals to a different location, if  
30 the public safety dictates such action.

31 8.10 The cost of maintenance and relocation shall be  
32 charged to licensee.

33 8.11 Any appeal from the decision of the City Controller  
34 shall be filed with the Court of proper jurisdiction within  
35 thirty (30) days from the date of finding by the City Controller



1  
2 or said finding shall become binding and final upon all parties  
3 involved.

4 SECTION 9. PENALTY

5 9.1 Any person, firm, partnership or corporation violating  
6 any of the provisions of this ordinance shall be guilty of a  
7 misdemeanor and, upon conviction thereof shall be fined in an  
8 amount not to exceed One Thousand Dollars (\$1,000.00). Each  
9 day such violation is permitted to continue shall constitute a  
10 separate offense and shall be punishable as such hereunder.

11 SECTION 10. EXCLUSION

12 10.1 The Fort Wayne Children's Zoo shall be excluded  
13 from any and all provisions of this ordinance.

14 SECTION 11. SEVERABILITY

15 11.1 If any section, subsection, paragraph or part of this  
16 ordinance is for any reason held to be unconstitutional or  
17 invalid by any final court of competent jurisdiction, such  
18 decision shall not effect the validity or effectiveness of the  
19 remaining portions of this ordinance.

20 SECTION 12. EFFECTIVE DATE

21 12.1 This ordinance shall be in full force and effect  
22 upon its approval by the Mayor and legal publication thereof.

23  
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26   
27 Councilman  
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Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>SCRUGGS</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of  
\_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by Nuckols, seconded by Hing, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

DATE: 12-14-76

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,

seconded by \_\_\_\_\_, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1976.

ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR



BILL NO. G-76-12-15

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE prohibiting, limiting, licensing and controlling certain  
dangerous animals within the civil boundaries of Fort Wayne, Indiana.

*Disapproved*

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE                      PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

PAUL M. BURNS

VICTURE L. SCRUGGS

ROY J. SCHOMBURG

12-28-82  
CONCURRED IN  
DATE              CHAIRMAN, CITY CLERK

Bill No. G-76-12-15

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
Prohibiting, limiting, licensing and controlling certain dangerous  
animals within the civil boundaries of Fort Wayne, Indiana

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

Bill No. G-76-12-15

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VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

*Halse*  
*Jan. 18*

Bill No. G-76-12-15

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John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

B-76-12-15

DEPARTMENT REQUESTING ORDINANCE LAW DEPARTMENT

### SYNOPSIS OF ORDINANCE

EFFECT OF PASSAGE Prohibit, limit and license and control certain  
dangerous animals within the City.

EFFECT OF NON-PASSAGE Dangerous animals within the City cannot be controlled.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE

Regulations Jctn.